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Caterpillar Inc.*

19 UNITED STATES DISTRICT COURT  
20 DISTRICT OF NEVADA

21 ESCO CORPORATION and ESCO CANADA,  
LTD.

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24 CASHMAN EQUIPMENT COMPANY,  
CATERPILLAR GLOBAL MINING LLC,  
CATERPILLAR INC., RAPTOR MINING  
PRODUCTS (USA) INC., and RAPTOR MINING  
PRODUCTS INC.

25 Lead Case No.: 2:12-cv-01545-RCJ-CWH  
Consolidated Cases: (2:12-cv-01545-RCJ-  
CWH, 2:14-cv-529-RCJ-PAL)

26 **JOINT STIPULATION AND ORDER  
FOR EXTENSIONS OF TIME FOR (1)  
JOINTLY PROPOSING A POST-  
CLAIM CONSTRUCTION  
SCHEDULING ORDER AND (2)  
DEFENDANTS' FILING OF ANY  
AMENDED AFFIRMATIVE  
DEFENSES AND/OR  
COUNTERCLAIMS**

27 **(First Request)**

28

1 Plaintiffs ESCO Corporation and ESCO Canada Ltd. (collectively "Plaintiffs") and  
 2 Defendants Cashman Equipment Company, Caterpillar Global Mining LLC, Caterpillar Inc.,  
 3 Raptor Mining Products, (USA), Inc. and Raptor Mining Products, Inc. (collectively  
 4 "Defendants"), through their undersigned counsel of record, and pursuant to L.R. 6-1 and 7-1,  
 5 hereby agree and stipulate to the Court's entry of an *Order* providing that: (1) the parties shall  
 6 have until March 18, 2016, to submit a proposed Post-Claim Construction Scheduling Order, and  
 7 (2) that Defendants shall have until March 31, 2016, to re-plead any of the claims or defenses  
 8 that were dismissed or struck in the Court's recent Order, but where the Court granted  
 9 Defendants leave to amend. (Dkt. 200).

11 Further to the Court's Order holding in abeyance all deadlines in this case (with the  
 12 exception of the Post-Claim Construction Settlement Conference) pending the Court's resolution  
 13 of certain Motions (Dkt No. 172), and the Court's subsequent resolution of these Motions (Dkt.  
 14 No. 200), a Proposed Post-Claim Construction Scheduling Order is currently due on February 5,  
 15 2016. Further, the Court's Order (Dkt. No. 200) began the time period where Defendants must  
 16 re-plead any of their dismissed claims and struck defenses. The parties have now agreed to  
 17 extend both of these deadlines.

19 There is good cause for this stipulation. For example, the parties need to evaluate the scope  
 20 and strength of their various claims and defenses given the Court's recent Order, which  
 21 dismissed numerous claims and declined to reconsider any of the Court's prior patent claim  
 22 constructions. Continuing these deadlines would therefore promote judicial economy by  
 23 preventing the need for the parties, and the Court, to expend time and effort on issues that may  
 24 later be dropped from the case. Further, the extension will allow the parties to determine an  
 25 efficient timetable for resolving any remaining issues in the case, if appropriate. Moreover, this  
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28 JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY  
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 COUNTERCLAIMS

1 extension is not requested for any improper purpose or delay. Finally, the parties have not  
2 previously requested extensions regarding the either of these deadlines.  
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5 **RESPECTFULLY SUBMITTED** on this 4th day of February, 2016.

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7 **ESCO CORPORATION**

8 /s/ Eric J. Hamp \_\_\_\_\_  
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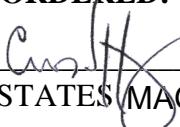
## **RAPTOR MINING PRODUCTS INC. AND RAPTOR MINING PRODUCTS (USA) INC.**

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**JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY PROPOSING A POST-CLAIM CONSTRUCTION SCHEDULING ORDER AND (2) DEFENDANTS' FILING OF ANY AMENDED AFFIRMATIVE DEFENSES AND/OR COUNTERCLAIMS**

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3 *Attorneys for Raptor Mining Products Inc. and*  
4 *Raptor Mining Products (USA) Inc.*

6 **IT IS SO ORDERED:**

7   
8 UNITED STATES MAGISTRATE JUDGE  
9 DATED: February 8, 2016

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 4, 2016, a true and correct copy of the foregoing JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY PROPOSING A POST-CLAIM CONSTRUCTION SCHEDULING ORDER AND (2) DEFENDANTS' FILING OF ANY AMENDED AFFIRMATIVE DEFENSES AND/OR COUNTERCLAIMS will be served upon all counsel of record who are registered participants via electronic mail through the United States District Court's CM/ECF system.

DATED: February 4, 2016

/s/ Eric J. Hamp

**JOINT STIPULATION AND ORDER FOR EXTENSIONS OF TIME FOR (1) JOINTLY PROPOSING A POST-CLAIM CONSTRUCTION SCHEDULING ORDER AND (2) DEFENDANTS' FILING OF ANY AMENDED AFFIRMATIVE DEFENSES AND/OR COUNTERCLAIMS**